SINGLE BENCH

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In the Hon'ble High Court of Chhattisgarh, Bilaspur.

W.P.No.....573..2007

Petitioner - Smt. Suman Mishra, aged 36 years,
W/o Shri P.K.Mishra,
R/o Quarter No. 10B, Street No.2,
Nandini Town Ship,
Tahsil Dhamdha, Distt. Durg C.G.

P.R. No. 655/07 Presented by Shri S.K. Verma 19/11/07

Versus

Respondents

1. The State Govt. of Chhattisgarh,
Through – The Secretary,
Higher Education, D.K.S. Bhawan,
Raipur (C.G.)
2. The Kulpati,
Pt. Ravi Shankar Shukla Vishva-Vidyalaya,
Raipur (C.G.)
3. The Principal,
Nagrik Kalyan Mahavidyalaya,
Nandini Nagar, Tahsil Dhamdha,
Distt. Durg (C.G.)
4. The President,
Nagrik Kalyan Mahavidyalaya,
Nandini Nagar, Tahsil Dhamdha,
Distt. Durg (C.G.)
5. Shri Shrikant Pradhan,
Aged 30 years, Asstt. Professor,
Political Science, Nagrik Kalyan Mahavidyalaya, Nandini Nagar, Tahsil Dhamdha, Distt. Durg (C.G.).
6. Shri Ajay Kumar Shukla,
Lab Technician, Nagrik Kalyan Mahavidyala
Nandini Nagar Township, Distt.Durg (C.G.)

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Writ Petition Under Articles 226/227 of The Constitution Of India for the issuance of WRIT in the nature of MANDAMUS certiorari, Prohibition and for other suitable writ or writs, order or orders, direction or directions.

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 593 of 2007

Petitioner : Smt. Suman Mishra

Versus

Respondents : The State Govt. of Chhattisgarh & others

Shri H.B. Agrawal, Senior Advocate with Shri Somkant Verma, Advocate for the petitioner.

Shri Satish Gupta, Deputy Government Advocate for the respondent No. 1/State.

O R D E R

(Passed on this 31st day of January, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was appointed on temporary basis as Assistant Professor in Political Science at the fixed pay scale of Rs. 1155/- by order dated 3.10.2001 (Annexure P/7) passed by the respondent-College. The appointment of the petitioner in the same capacity continued for the academic session by several orders passed time to time.
2. The respondent-College in order to appoint the Assistant Professor on regular basis, issued an advertisement, calling for applications from all the eligible candidates. The petitioner along with others applied for appointment on the said post.
3. According to the petitioner, the petitioner was called for interview, held on 29.10.2005. The petitioner failed finally.
4. Being aggrieved, the petitioner filed a writ petition, being W.P. No. 1023/2006, impugning the order dated 24.12.2005, whereby services of the petitioner was removed due to non-selection of the petitioner in regular selection process. This Court, after having examining all the

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aspects, granted liberty to the petitioner to file the statutory appeal, and in the event, the appeal was filed, it was directed that the same should be considered and decided, in accordance with law, as expeditiously as possible, preferably, within a period of two months from the date of production/receipt of appeal. It was further observed that if any grievance still remains, the petitioner would avail the remedy under the law.

5. The Chancellor, being the appellate authority, by his order dated June, 2006 (Annexure P/1), having considered case of the petitioner, rejected the appeal filed by the petitioner on the ground that the petitioner was not selected in regular selection process. Thus, the order dated 24.12.2005 (Annexure P/2) was rightly passed.

6. It is well settled principles of law that the Court, while exercising its power of judicial review can go into the decision making process, but not the decision itself, except in case of perversity, illegality and irregularity. In the present case, no perversity, illegality, irregularity and impropriety is alleged and found in the decision making process.

7. I have gone through the order passed by the Chancellor, nothing as stated above, is found. Thus, no interference is warranted in the order.

8. In view of the settled position of law as enunciated by a Constitutional Bench of the Supreme Court in the case of ***Secretary, State of Karnataka and others Vs. Umadevi***[1] which was followed later on in various decisions by the Supreme Court, viz. ***Accounts Officer (A&I) A.P.SRTC and others vs. P. Chandra Sekhara Rao and others***[2], ***Surinder Prasad Tiwari vs. U.P. Rajya Krishi Utpadan Mandi Parishad and others***[3], ***Nagar Mahapalika (now Municipal Corpn.) vs. State of U.P. and others***[4] and ***U.P. State***

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Road Transport Corporation vs. Man Singh[5], daily rated, temporary or ad hoc appointees have no right to the post as their appointment was not in accordance with the constitutional scheme of the appointment and not in accordance with any Rules, Regulations, as framed under the proviso to Article 309 of the Constitution of India.

9. Thus, this writ petition is dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 (2006) 4 SCC 1
2 (2006) 7 SCC 488
3 (2006) 7 SCC 684
4 2006 AIR SCW 2497
5 2006 AIR SCW 5159

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